

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                           4:09CR3019  
                                )  
v.                            )  
                                )  
CLARENCE D. HERGERT,      )                           MEMORANDUM AND ORDER  
                                )  
Defendant.                 )                           

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After a hearing today on the record, and with the government having no objection,

IT IS ORDERED that:

1. This case imposes no lien upon Hergert Milling, Inc.
2. Provided that he causes the net proceeds of sale to be paid to the Valley Bank and Trust Co., Clarence D. Hergert, individually, and as President of Hergert Milling, Inc., is authorized to complete the sale contemplated by the Contract for the Sale and Purchase of Real Estate executed on August 20, 2012 by and between DWG, LLC (Buyer) and Hergert Milling, Inc. (Seller). (*See* filing no. 146-1.)
3. Any lien imposed by this case on the property described below is released without further action by this court upon payment of the net sale proceeds to the Valley Bank and Trust Co., contemplated by paragraph 2 of this order, to wit:

Lot 2, Block 1, Hergert-Reinhardt "Sale Only" Subdivision, a replat of Tax Lots 25, 26, 27, 28, and 28A; and Tracts 4 and 6, of

the City-U.P., Addition "Sale Only" Subdivision to the City of Gering, Scotts Bluff County, Nebraska, together with all fixtures and equipment permanently attached to the above described real property.

4. The defendant's motions (filing nos. 129, 133 and 144) are granted as provided herein.

DATED this 29<sup>th</sup> day of November, 2012.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge